



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

Contracts to indemnify bail might be regarded as criminal conspiracies on two grounds. (1) It is said that their inevitable tendency is to make bail careless and allow the prisoner easily to abscond.¹² But the authorities seem sound in holding that the tendency is really not so inevitable as to condemn the contract on that ground.¹³ (2) An agreement to cheat has been held criminal;¹⁴ and if a contract to indemnify bail is to be deemed necessarily a conspiracy to cheat the state into a virtual release of the prisoner on his own recognizance, then surely it must be criminal. If the unlawful act contemplated must, in its inevitable consequences, be prejudicial to the community, an intent to do that act is a sufficient evil intent.¹⁵ If, however, the act contemplated is not, for either of the reasons given, sufficiently harmful, a wrongful intent must be distinctly found as a fact.¹⁶ It is submitted that in the main case the unlawful act is not so closely bound up with the possible consequential harm to the community,¹⁷ that the intent to do that act is necessarily an evil one, even in the face of a jury finding that no evil consequences were in fact intended.

RECENT CASES.

ADVERSE POSSESSION — AGAINST WHOM TITLE MAY BE GAINED — ESTABLISHMENT OF STATE BOUNDARY BY LAPSE OF TIME. — In 1788 a line was surveyed and marked as the boundary between Maryland and Virginia. Maryland disputed the correctness of the line, and between 1820 and 1830 carried on unsuccessful negotiations with Virginia to have it corrected. In 1859 it had another line surveyed and made repeated attempts to have this accepted as the boundary. The original line was always treated as the boundary by private land-owners, and the two states exercised their jurisdiction with reference to it. In 1891, Maryland filed a bill to have the Supreme Court settle the dispute. *Held*, that the original line must be established as the boundary. *The State of Maryland v. The State of West Virginia*, U. S. Sup. Ct., Feb. 21, 1910. See NOTES, p. 555.

ALIENS — NATURALIZATION — "FREE WHITE PERSONS." — A Syrian applied for naturalization. *Held*, that he should be admitted. *In re Najour*, 174 Fed. 735 (Circ. Ct., N. D. Ga.).

An Armenian applied for naturalization. *Held*, that he should be admitted. *In re Halladjian*, 174 Fed. 834 (Circ. Ct., D. Mass.).

The phrase "free white person" has run the entire gamut of the naturalization laws. ACT MARCH 26, 1790, c. 3, § 1 U. S. STAT. AT L. 103; ACT FEB. 18, 1875, c. 80, U. S. COMP. ST. (1901), § 2169. Its temporary omission in 1873 was probably an inadvertence. See *In re Saito*, 62 Fed. 126. Since the abolition of slavery the word "free" is mere surplusage. The word "white" has proved a fruitful source of argument. To the scientific mind at the time the first statute was drafted

Steventon, 2 East 362 (to prevent the attendance of witnesses); *Rex v. Sterling*, 1 Lev. 126 (to impoverish the excise men and diminish the king's revenue).

¹² But see *Rex v. Stockwell*, 66 J. P. 376 (Cent. Crim. Ct., 1902).

¹³ *Rex v. Broome*, *supra*; *Reg v. Badger*, *supra*.

¹⁴ *Curley v. U. S.*, 130 Fed. 1. See MAY, CRIMINAL LAW, 3 ed., 173.

¹⁵ *Rex v. Brailsford*, *supra*.

¹⁶ *People v. Flack*, 125 N. Y. 324. See MAY, CRIMINAL LAW, 3 ed., 173.

¹⁷ *Rex v. Stockwell*, *supra*.